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MAR 18 2013

Office Of The Executive

February 20, 2013

To: Dennis J. McLerran  
EPA Region 10 Administrator  
US EPA Region 10  
1200 Sixth Ave  
Suite 900  
Seattle, Washington 98101

Re: Positive Government-to-Government Relations

Dear Mr. McLerran:

As President of the Native Village of Tyonek – IRA Council (NVT), I would like to formally thank you on behalf of the entire NVT Council for respectfully engaging in meaningful consultation with the NVT – IRA Council. We are very grateful for the commitment of the EPA leadership and employees in both Region 10 and Headquarters to engage in positive and meaningful government-to-government consultation. The U.S. EPA is exemplar among federal agencies in implementing the federally mandated Executive Order 13175, which is consistently demonstrated by EPA's open communications and the ongoing advocacy on behalf of NVT.

Thank you for coming to Anchorage on November 14<sup>th</sup>, 2012 to sign a historic MOU with the NVT, for sending Mr. Rick Parkin and staff to Tyonek to meet with the NVT on August 11<sup>th</sup>, 2011, for participating in the government-to-government meeting with Administrator Jackson on October 3<sup>rd</sup>, 2012, and for sending EPA staff to travel to Anchorage in-order to participate in our first quarterly government-to-government conference call on February 4<sup>th</sup>, 2013.

We greatly appreciated the opportunity to meet on a government-to-government basis and appreciate the important work of the U.S. EPA in upholding the Clean Water and Clean Air Acts.

Regarding NVT's role as a Cooperating Agency with the Army Corps of Engineers as the lead federal agency, NVT continues to be placed at a severe disadvantage as we have not had the opportunity to review draft documents and cooperating agency comments in a timely fashion. We acknowledge and appreciate that your staff has recently advocated for the draft Water Management Plan and agency comments to be released to NVT.

Admin Offices	Tribal Operations	Environmental	ICHD Admin	Kalua Properties	Little Chief HS	NVT Housing Dept
Ph: 907-583-2201	Ph: 907-583-2115	Ph: 907-583-2135	Ph: 907-583-2225	Ph: 907-277-7231	Ph: 907-583-2213	Ph: 907-583-2188
Fax: 907-583-2442	Fax: 907-583-2442	Fax: 907-583-2442	Fax: 907-583-2226	Fax: 907-277-7309	Fax: 907-583-2214	Fax: 907-583-2188

In our dual roles as a Tribal Government and a Cooperating Agency we are committed to working together with all state and federal permitting agencies, as we find that when we all work together Alaskan's reach better decisions.

We realize that you are very busy serving the entire Region and we are grateful for your leadership and your commitment to effective government-to-government relations. Again we thank you for your service and the work of the U.S. EPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Standifer III", with a stylized flourish at the end.

President Frank Standifer III

Cc: Jodi Archibald Gillette  
Joann Chase  
Bicky Corman  
Jim Woods  
Jamey Stoddard

# Native Village of Tyonek

P.O. Box 82000  
Tyonek, Alaska  
99752

## Resolution # 2013-03 Council of the Native Village of Tyonek Recognizing EPA's Commitment to Tribal Consultation

**WHEREAS**, this tribe is an Indian chartered tribe as defined by the Indian Reorganization Act of June 18<sup>th</sup>, 1934 and the act of May, 1936, extending certain provisions of the former act to Alaska, and under its charter, constitution and by-laws, has full authority to act in the following and

**WHEREAS**, the Native Village of Tyonek and IRA organization is the Tribal authority for Tyonek, and is recognized in the Federal Register; and

**WHEREAS**, the Native Village of Tyonek (NVT) also referred to as Tebughina (Beach People) have subsisted and thrived from the harvesting of Beluga Whales, Salmon, Hooligan, Trout, Moose, Bear, Ducks, Geese, Berries, Medicinal and Edible plants as traditional and customary practices for our past, present and future survival; and

**WHEREAS**, PacRun Coal, a Delaware corporation, is actively seeking state and federal permits to operate the Chuitna coal strip mine, in and around the Native Village of Tyonek and Ch'u'itnu Archeological District, and within critical fish and game habitats that support NVT's historical and present lifestyle, and

**WHEREAS**, the PacRim Coal Company continues to move forward with permitting applications, despite the fact that 98% of NVT residents oppose coal strip mining in the Chuitna Watershed and Ch'u'itnu Archeological District, and

**WHEREAS**, the Native Village of Tyonek - IRA Council is a sovereign American Indian tribe entitled to government-to-government relations and meaningful consultation with the United States of American and all federal agencies thereof, and

**WHEREAS**, the Native Village of Tyonek - IRA Council currently has a signed MOU with the U.S. EPA Region 10 and positive government-to-government and meaningful consultation continues between the U.S. EPA and NVT.

**NOW, THEREFORE BE IT RESOLVED**, the Native Village of Tyonek - IRA Council:

1. Recognizes and appreciates the United States Environmental Protection Agency for:

(a) engaging in ongoing government-to-government consultation with NVT since 2005.

(b) demonstrating a true commitment to uphold the Clean Water and Clean Air Acts

Admin Offices	Tribal Operations	Environmental	ICHD Admin	Kalon Properties	Little Chief HS	NVT Housing Dev
Ph: 907-583-2201	Ph: 907-583-2115	Ph: 907-583-2135	Ph: 907-583-2215	Ph: 907-277-7211	Ph: 907-583-2213	Ph: 907-583-2188
Fax: 907-583-2442	Fax: 907-583-2442	Fax: 907-583-2132	Fax: 907-583-2226	Fax: 907-277-7300	Fax: 907-583-2214	Fax: 907-583-2181

- (c) offering Technical Assistance to the NVT throughout the NEPA process of the proposed Chuima Coal mine
- (d) maintaining open channels of communication between staff and leadership of the U.S. EPA and the NVT.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that the Native Village of Tyonek -- IRA Council does hereby express its sincere gratitude to the U.S. EPA Region 10 and Headquarters leadership for consulting in good faith with the Native Village of Tyonek -- IRA Council throughout the entire permitting process of the proposed Chuima Coal Strip Mine, in order to mitigate any adverse effects on tribal cultural and spiritual values and interests within the Chuima River Watershed and the Chuima Archeological District, that maybe caused by the proposed mine.

#### CERTIFICATION

This will certify that the foregoing resolution was approved at a meeting held on the 1 day, of NOVEMBER, 2013. At which quorum of Council members were in attendance.

For	<u>5</u>
Against	<u>0</u>
Present	<u>5</u>
Absent	<u>3</u>

Frank Standifer  
Frank Standifer, III President

Rae J. Barelds  
Rae J. Barelds, Secretary / Treasurer